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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **OF THE STATE OF WASHINGTON**

7 IN THE MATTER OF ENFORCEMENT)
8 ACTION AGAINST) PDC CASE NO.: 01-219
9 Amalgamated Transit Union Local 587 and) FINAL ORDER
10 Amalgamated Transit Union Local 587)
11 No on I-745 Committee)
Respondents.)
_____)

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13 The Washington State Public Disclosure Commission (Commission) conducted an
14 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on July
15 24, 2001.

16 The Commission conducted the hearing to consider the stipulation between the parties
17 as to facts, violations and penalty, and to consider whether violations occurred and whether the
18 recommended penalty should be assessed.

19 The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol
20 Way South, in Olympia, Washington. The Respondent appeared for the hearing through
21 Clifford Freed and James Oswald, Attorneys at Law. The Staff appeared through F. Neil
22 Gorrell, Assistant Attorney General.

23 The Commission heard oral argument. The Commission considered the Report of
24 Investigation, Notice of Administrative Charges and the Stipulation as to Facts, Violations and
25 Penalty dated July 24, 2001.

1 The parties stipulated that with the exception of the four modifications listed in the
2 Stipulation, the Notice of Administrative Charges, dated July 11, 2001, contained accurate
3 statements of fact. The parties further stipulated that based upon the stipulated facts, the
4 Commission would likely find multiple unintentional violations of RCW 42.17.040 through
5 RCW 42.17.090. Said violations are based upon ATU Local 587 soliciting and accepting
6 contributions from its members with the expectation of making expenditures opposing a ballot
7 measure without registering and reporting as a political committee.

8 Based on this record, THE COMMISSION ACCEPTS THE STIPULATED FACTS,
9 VIOLATION AND PENALTY. THE COMMISSION ORDERS that the Respondent has
10 committed multiple violations of RCW 42.17.040 through RCW 42.17.090.

11 THE COMMISSION FURTHER ASSESSES a total civil penalty of \$10,000.00
12 against the Respondent, \$7,500.00 of which is suspended on the following conditions:

- 13 (1) That for a period of four years from the date of entry of this Final Order, there
14 are no further violations of any provision of RCW 42.17, or WAC Chapter 390.
- 15 (2) Within six (6) months from the entry of this Final Order, or the next special
16 assessment of its membership, whichever occurs first, the Union, in
17 collaboration with PDC Staff, will develop a protocol for communicating with
18 the Employer (King County) regarding future special assessments. The
19 protocol will be designed to prevent future violations by informing the
20 Employer when an assessment is reasonably expected to be for a contribution to
21 any political committee, a contribution to a candidate for state or local office, or
22 for a contribution or expenditure in support of or in opposition to any candidate
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1 or ballot proposition. Upon completion of the protocol, the Union will send a
2 copy of the protocol to PDC Staff.

3 (3) Within six (6) months from the entry of this Final Order, or before the next
4 special assessment of its membership, whichever occurs first, the union will
5 organize and host training for all Union officers and staff engaged in
6 implementing special assessments on the provisions of RCW 42.17, particularly
7 RCW 42.17.040 – RCW 42.17.090. PDC Staff, in collaboration with the
8 Union, will conduct the training. The Union will confirm the titles of those in
9 attendance. The training materials will be communicated to all other ATU
10 locals in Washington. The materials will also be shared with each Central
11 Labor Council in Washington, for distribution to other interested organizations.
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13 (4) Within three (3) months from the entry of this Final Order, the Union will send
14 a letter to each person who had funds in any amount withheld in the special
15 assessment, and who has not requested and received a rebate. The letter will be
16 sent to the last known address for each person, will explain the Stipulation, and
17 will provide an opportunity and a mechanism for obtaining a rebate. This rebate
18 could be a full reimbursement of funds withheld, or could be a reduction in
19 future Union withholding at the same rate initially withheld. The waiver /
20 rebate form must include the non-discrimination language found in WAC 390-
21 17-100(2)(g). Each letter recipient will have a minimum of three (3) weeks
22 from the initial date of mailing to return the form requesting a rebate. The
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1 Union will notify Commission Staff when the process is complete, and provide
2 Staff with the number and amount of rebates.

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4 The entire non-suspended portion of the penalty shall be paid within 60 days from the
5 date of entry of this Final Order.

6 Any party may ask the Commission to reconsider this final order. Parties must place
7 their requests for reconsideration in writing, include the specific grounds or reasons for the
8 request, and deliver the request to the Public Disclosure Commission Offices within 10 days of
9 the date that the Commission serves this order upon the party.

10 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure
11 Commission is subject to judicial review under the Administrative Procedures Act, chapter
12 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with
13 the superior court in Thurston County or the petitioner's county of residence or principal place
14 of business. The petition for judicial review must be served on the Public Disclosure
15 Commission and any other parties within 30 days of the date that the Public Disclosure
16 Commission serves this final order on the parties.

17 If reconsideration is properly sought, the petition for judicial review must be served on
18 the Public Disclosure Commission and any other parties within 30 days after the Commission
19 acts on the petition for reconsideration. Pursuant to RCW 34.05.470(3), the Public Disclosure
20 Commission is deemed to have denied the petition for reconsideration if, within twenty days
21 from the date the petition is filed, the agency does not either dispose of the petition or serve the
22 parties with written notice specifying the date by which it will act on the petition. Pursuant to
23 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to
24 reconsider the final order before seeking judicial review by a superior court.
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1 The Commission will seek to enforce this final order in superior court under RCW
2 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid and
3 no petition for judicial review has been filed under chapter 34.05 RCW. This action will be
4 taken without further order by the Commission.

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7 DATED THIS 7th day of August, 2001.

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9 FOR THE COMMISSION:

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12 VICKI RIPPIE, Executive Director
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